

PLANNING COMMISSION MINUTES

September 16, 2008

7:00 P.M.

Present: Chairman Clark Jenkins, Vice Chairman Tom Smith, Dave Badham, Barbara Holt, Ray Keller, City Council Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen, and Recording Secretary Connie Feil.

Absent: Michael Allen.

Clark Jenkins welcomed all those present.

Beth Holbrook made a motion to approve the minutes for August 19, 2008 as written. Ray Keller seconded the motion and voting was unanimous in favor.

1. PUBLIC HEARING - Consider a variance to allow building on a reduced front yard setback located at 163 N. 900 E., John & Judy Wadsworth, applicants.

John & Judy Wadsworth, applicants, were present. Aric Jensen explained that the applicants are requesting a variance for a reduced front yard setback for an attached garage. This property is located in an R-3 zone, and the minimum required front yard setback is 25'. The home is located on a lot near the end of a cul-de-sac, which is irregular in shape.

The Wadsworth's proposal is to construct an attached garage in a portion of the required front yard setback. The structure is approximately 20' wide by 20' deep. One corner of the garage would be approximately 18' feet from the front property line, and the other corner would be approximately 37' from the front property line. The side yard would be the same as the existing home, which is approximately 8'. There was an existing single car garage along the side of the home that was converted to living space about 20+ years ago.

Staff's opinion is that the Wadsworth's have shown that they meet all of the necessary criteria such that the Commission may grant a variance. Mr. Jensen referred to Section 10-9a-707.

First, literal enforcement of the ordinance would create an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance. Denying the applicants a permit to build an attached two-car garage because of the irregular shape of the lot does not fulfill the general purposes of the *Bountiful City Land Use Ordinance* (Section 14-1-102).

Second, there are special circumstances which apply to this property that do not apply to all other properties in the subdivision; specifically, it is located along the point of a cul-de-sac where the bulb transitions into the straight portion of the roadway.

Third, this is not contrary to the general plan which calls for single family development and

approving the requested variance would provide substantial justice for the property owner.

In regards to Section 10-9a-707 (2)(b - c), the hardship is located on the property and is the result of circumstances peculiar to the property.

The proposed garage addition is approximately 20' wide measured on the exterior of the structure. Staff recommends building the structure 20' wide on the interior, which would add about 1' width to the structure, causing it to project an additional 8 inches or so into the front yard setback. A two-car garage should be at least 24' wide on the interior; a 20' width is the narrowest at which you can park two midsized cars and still open the doors.

Mr. Jensen instructed the Planning Commission Members that they may vote to approve the request in its entirety, approve the request with modifications, or to deny the request depending on its findings.

Staff recommends approval of the variance from the Land-Use Ordinance regarding front yard setbacks as shown on the proposed site plan, with the findings listed in the staff report.

Mr. Wadsworth presented pictures showing the existing home on the property and where the garage would be built if approved. Mr. Wadsworth also presented plans prepared by Carlson Engineering showing the garage structure.

The public hearing was opened for all those with comments and concerns.

Kelly & Ruth Farmer, residing at 102 N. 900 E., stated that they represented all residents in the circle. Mr. Farmer explained that approval of the garage would improve the aesthetics of the neighborhood by allowing the Wadsworths to park their cars indoors.

The public hearing was closed without further comments.

Tom Smith made a motion to approve the variance from the Land Use Ordinance regarding front yard setbacks as shown on the proposed site plan with the findings from the Staff report. Beth Holbrook seconded the motion and voting was unanimous in favor.

2. PUBLIC HEARING - Consider a Conditional Use Permit to allow building a cell tower located at 727 N. 400 E., Lindquist Mortuary, T-Mobile, applicant.

Caleb Cox, representing T-Mobile, was present. Aric Jensen explained that T-Mobile West Corporation, with written authorization from Lindquist Mortuary, property owner, is requesting a conditional use permit to construct a cell tower. The Mortuary property is in the R-4 zone, and the proposed tower would be approximately 80' high in order to allow two co-locations.

The proposal is to locate the cell tower in the southwest corner of the site, close to three residential properties. Stone Creek flows between the property and the residential properties, and there are many, tall, mature trees along both banks. The only people who have the potential to be directly impacted by this proposal are the three adjacent residential properties and the Mortuary. The owners of the other properties in the area, and the population in general, would be indirectly impacted by having the skyline disrupted by the cell tower.

A conditional use permit should be approved unless it can be shown that it is not possible to impose conditions that would mitigate any reasonably anticipated detrimental effects. The negative impacts typical of any cell tower are obstruction of view and unsightliness. Unlike ham radio towers, cell towers generally don't disrupt TV signals, cordless phones, or other electronic devices. Cellular arrays are frequently located on top of office buildings, near police stations, and in other areas where electronic equipment is used extensively.

The following is a conforming copy of the required review criteria.

Section 14-2-506 DETERMINATION

- A. A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards.*
- B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*
- C. Standards applicable to conditional uses include all the requirements of this Title, and consideration of the following:*
 - 1. The location of the proposed use shall not be detrimental to the general well-being of the community and the neighborhood.*
 - 2. The proposed use and/or accompanying improvements shall not inordinately impact schools, utilities and streets, and shall stress the following criteria; Appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses.*
 - 3. The applicant, at his or her cost, shall provide any report and/or study relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing,, and any other information requested by the City in order to render a proper decision.*

Mr. Jensen continued by saying that cell companies prefer wide poles for the same reason utility companies like wide streets – there's more room to run wire, pipe, conduit, etc., even though it costs more to build. However, since width has the greatest impact on appearance, Staff recommends that the pole not exceed 24" in diameter, and that the arrays not extend more than 3 feet from the pole, regardless of the final height.

Unless additional information to the contrary is provided at the public hearing, Staff recommends approval of the proposed conditional use permit for a cell tower with the following conditions:

1. The main pole shall not exceed 24 inches in diameter at any point above ground level
2. Any cell array shall not protrude horizontally more than 3 feet from the side of the main pole
3. The height of the pole and any attachment shall not extend more than 80 feet above the level of the existing parking lot, as measured at the closest point to the proposed tower.
4. All equipment and related infrastructure shall be located behind a locked, 6' high, open style, fenced enclosure.
5. The area around the fenced enclosure shall be landscaped with only partially obscuring plants for security and aesthetic reasons.
6. All work, including any future co-location or modification, shall be done after receiving a Bountiful City building permit.

Caleb Cox, filling in for Jared White, explained that T-Mobile has spent a lot of time and money finding a proper location for the tower. T-Mobile would like to find a good location to provide service for this area of Bountiful. It would be a pole that three carriers could co-locate onto and this would eliminate having three separate poles in the same area.

The public hearing was opened for all those with comments and concerns.

James Fisher, residing at 639 N. 400 E., opposes having a cell tower in his neighborhood. It will negatively affect the property value of not only his home, but the surrounding neighborhood. He strongly opposes the placement of this tower in his neighborhood or in any residential area.

Patricia Haslem, residing at 297 E. 750 N., explained that she is representing the neighborhood in opposing the approval of this cell tower. Mrs. Haslem read a letter to the Commission regarding the concerns of the residents. Some of the concerns were with the unknown health issues, locating the tower in a residential area when all others are in commercial areas, maintenance on tower at night and finding a more suitable location.

The public hearing was closed without further comments.

Russell Mahan explained that the Federal Communication Act is very clear that radio waves and health effects cannot be considered for denial of a tower.

There was a lengthy discussion regarding the proposed location and relocating to another site. The Commission questioned why this location and not at a commercial site. The Commission would like more information on other locations before an approval/disapproval is made.

Beth Holbrook made a motion to table the Conditional Use Permit until Jared White, who conducted the original project study, can provide the Commission with more information. Barbara Holt seconded the motion and voting was unanimous in favor.

3. Consider preliminary commercial site plan approval for Lakehills Medical Building 2, located at 439 E. Medical Dr., Neall Humphrey, applicant.

Neall Humphrey, applicant, was present. Paul Rowland explained that Neall Humphrey is requesting preliminary site plan approval for the Lakehills Medical Building #2, which is an exact copy of the existing Lakehills Medical Building located at 469 East Medical Drive. The proposed site is currently improved with two single-family homes fronting onto 400 East that would be demolished. The new building would be built almost immediately to the west of the existing building, and would share a common elevator.

The proposed structure is a 13,200 sq. ft medical office building, which is a permitted use in the Hospital Zone. This will require a minimum of 53 parking stalls. The proposal shows 66 stalls, however, the two most southerly stalls will need to be eliminated in order to provide a 10' landscape buffer at the end of the parking lot along Medical Drive.

Since the proposed building is an exact duplicate of the existing structure, no renderings are necessary. The site plan only shows the floor elevation of the main floor of the proposed structure and does not show the floor elevation of the existing structure or elevator. The elevations should be the same since the elevator is to be shared, however, the project engineer/architect needs to confirm that and show on the site plan how the structures are to be connected.

The new parking area requires onsite detention, however, the storm drain is located in Medical Drive and the property slopes downward to the northwest. The project engineer is proposing an underground detention system that will be located under the south end of the parking lot and that will drain into a catch basin located on the south side of Medical Drive. This won't catch all of the water, but at least a substantial portion.

The grading in the parking lot area has a few problems that need to be addressed. First the contour lines don't match the flow lines. Second, there seems to be a bad elevation in the NW corner of the parking lot. Third, there needs to be more spot elevations to confirm that everything will flow as proposed.

The plans show utilities stubbing into Medical Drive, with only a 1 ½ inch water line shown. If this building needs fire suppression sprinklers then an additional 2 inch line will most likely be required.

Approximately 32% of the site will be in landscaping, however, no landscaping plan has been provided. Landscaping will be very important on this site, especially along 400 East where the parking lot will be near the street but about 4' above the elevation of the sidewalk. This proposal includes reusing the existing driveway along the north side of the building, which only has about 4' of landscaping. The Planning Commission could require that the existing curb be removed and the landscape bed widened, but there doesn't seem to be any purpose in doing that as the existing landscaping is mature and appears to be sufficient for screening this use.

Staff recommends preliminary site plan approval with the following conditions:

1. All redline corrections be made, including the grading/drainage/contour corrections, showing the building floor elevations/connection, and the elimination of the two southerly parking stalls.
2. A landscaping plan be provided, which shall include the location, height, and style of any proposed exterior lighting.
3. A fire suppression line be shown meeting the approval of the Fire Marshall, or a letter be provided from the Fire Marshall stating that a fire suppression system is not required.

Neall Humphrey presented photos of the proposed building, which is a replica of the existing building. All of the redlines that were required have now been corrected and Mr. Humphrey explained the drainage system he is proposing.

There was a discussion regarding the storm drain system, reducing some parking for additional landscaping and the driveway access.

Russell Mahan recommended that the Commission add a condition to include that all 4 lots be consolidated into one parcel.

Dave Badham made a motion for preliminary commercial site plan approval for Lakehills Medical Building #2 subject to the conditions outlined by Staff with the additional conditions:

4. Modify the new parking lot on the corner of Medical Drive and 400 East to eliminate 2 parking stalls on the south side and shift the parking to the north of the building.
5. Add landscaping buffer to screen the parking lot from 400 East.
6. At the owners option, consider installing a grease and sand separator.
7. Consolidate all 4 lots into one parcel.

Tom Smith seconded the motion and voting was unanimous in favor.

Meeting adjourned at 8:35 P.M.

